

Washington University Law Review

Volume 27 | Issue 1

January 1941

Reviews of “Modern Foremanship and Supervision Under New Deal Legislation,” By Harvey B. Rector and W. Rinckhoff and “Union Policies and Industrial Management,” By Sumner Slichter

John R. Stockham

Stockham, Roth, Bader & Martin

Follow this and additional works at: https://openscholarship.wustl.edu/law_lawreview



Part of the [Law Commons](#)

Recommended Citation

John R. Stockham, *Reviews of “Modern Foremanship and Supervision Under New Deal Legislation,” By Harvey B. Rector and W. Rinckhoff and “Union Policies and Industrial Management,” By Sumner Slichter*, 27 WASH. U. L. Q. 150 (1941).

Available at: https://openscholarship.wustl.edu/law_lawreview/vol27/iss1/8

This Book Review is brought to you for free and open access by the Law School at Washington University Open Scholarship. It has been accepted for inclusion in Washington University Law Review by an authorized administrator of Washington University Open Scholarship. For more information, please contact digital@wumail.wustl.edu.

to avoid taxes, with the net result that others not so inhibited have reaped, and are at this moment reaping, a rich harvest by exploiting tax avoidance schemes, legal and illegal.

The author evidently feels that such a situation is unequal and unsatisfactory, and that the first step toward its correction is spread of information of the present state of the law and its possibilities. The final chapter of the book contains detailed proposals for changes in the laws to remedy the evils so ably pointed out in the preceding portion of the book.

RALPH R. NEUHOFF.†

MODERN FOREMANSHIP AND SUPERVISION UNDER NEW DEAL LEGISLATION. By Harvey B. Rector and W. A. Rinckhoff. Cincinnati: Law Research Service, 1940. Pp. vii, 156. \$4.00.

UNION POLICIES AND INDUSTRIAL MANAGEMENT. By Sumner H. Slichter. Washington, D. C.: The Brookings Institution, 1941. Pp. xiv, 597. \$3.50.

The authors of *Modern Foremanship and Supervision Under New Deal Legislation* deem three elements necessary to the administration of present day industry—efficiency, harmony and discipline. Moreover, they believe that “before the National Labor Relations Act became a law the proper morale to maintain these essentials had been created.” This proper morale was established through the pre-eminence of good foremen who were experts in giving orders, and

* * * there was a reason why the employees in Mr. Doe’s department carried out his orders so explicitly and were satisfied to abide by his decisions and accept the wage offered without protest. The main reason for this was the fact that Mrs. Doe was the medium through which they could advance or gain increases in pay. Another reason is also very outstanding; if Mr. Doe got sore at one of his employees he had the privilege of firing him without fear of any reaction whatsoever. These two facts served the purpose of keeping workers in line. Oftentimes a mere threat of dismissal was sufficient to achieve the necessary results and the law of self-preservation made it possible for supervisory employees to maintain the proper harmony to carry on their work successfully.

But now, according to Mr. Rector and Mr. Rinckhoff, the National Labor Relations Act has undermined this morale, and a foreman must acquaint himself with what he can and what he cannot do under the act. If he doesn’t know his rights and limitations, he is going to be duped by “radical union officers.” This book purports to tell the foreman exactly what the law requires—no more, no less. For instance: “If you sincerely believe that a certain union official should be horsewhipped do not make the remark or suggest it.” “Detailing so-called loyal employees to spy union workers, or spying on employees in any manner, is a violation of Section 8(1), *if there is any intent of weeding out those employees taking part in unionization.*” (Italics supplied.) For four dollars, one can purchase sixty-one pages of such advice on the National Labor Relations Act, the Fair Labor Stan-

† Lecturer on Taxation, Washington University School of Law; Member of St. Louis Bar.

dards Act and the Walsh-Healy Act. In addition the buyer will receive ninety-five pages of copies of the acts and of some rulings and interpretations under the acts—which can be obtained free from the government upon request. Incidentally, it would be interesting to know how many employers who have put this book into the hands of their foremen have been found to be violators of the National Labor Relations Act.

A far different approach to the relationship of labor and management is advocated by Professor Slichter in his *Union Policies and Industrial Management*. The author is not concerned with what acts are necessary to meet the requirements of a particular piece of legislation, nor does he worry about possible judicial interpretation of specific phases of the collective bargaining contract. This book is virtually void of any legal consideration of the collective bargaining process. Nevertheless, it will prove of inestimable value to lawyers who represent either management or labor.

Specifically, this book is about "industrial jurisprudence"—an analytical and systematic approach to labor relations wherein

laboring men, through unions, formulate policies to which they give expression in the form of shop rules and practices which are embodied in agreements with employers or are accorded less formal recognition and assent by management; shop committees, grievance procedures and other means are evolved for applying these rules and policies; and rights and duties are recognized.

The first eight chapters of the book deal with particular problems which confront management and labor. What controls should be exerted upon the entrance of new employees into the trade? What are the effects of regulating apprenticeship? How have closed and preferential shop provisions affected the operations of industry? What about controlling layoffs through such a device as the seniority rule—does this produce a more efficient and productive labor, or does this type of control bind an employer more than the control of hiring? What about make work rules, limits on output, or speed of work, control of quality of work? Where and with what effects do unions endeavor to utilize such rules? How should unions meet technological change—by obstructionist tactics, by competing with such changes, or by seeking to control the changes by such methods as training union members to operate new machinery introduced in the industry and by limiting technological displacement of men? Under what conditions are piece work systems of wage payment preferable to time work? Why does piece-work payment of wages cause unions to demand that the employer operate a more efficient plant? How can the union and the employer jointly meet the competition of non-union plants?

The answers to these and many other similar questions constitute the core of this book, and, for that matter, of collective bargaining. The answers are not theoretical; they are practical and are found by analyzing a host of agreements between unions and management, accompanied by a study of what has been the actual effect of specific provisions upon the efficient operation of industry.

A collective bargaining contract is a living document which must function from day to day. The fact that particular provisions of the contract

are enforceable in the courts is of little value if those provisions do not lead to efficient and amicable relationship between employers and employees. A lawyer should have a knowledge of the practical effects of the various provisions of collective bargaining contracts. If he does not, if he concerns himself only with the legal enforceability of the various phases of a contract, he runs the risk of giving his client poor advice.

The last seven chapters of the book constitute an analysis of and a plea for union-management cooperation—whereby the union and the management seek cooperatively to keep down costs and to increase efficiency so that union shops will be able to compete successfully with non-union shops. Such cooperation has been attempted, for the most part, at the instigation of the unions, in the Cleveland garment industry, in the railroad shopcrafts, as a policy of the Amalgamated Clothing Workers and in the plant of the Naumkeag Steam Cotton Company. None of these attempts have been completely successful, but they have indicated some feasible future action in union-management relationship. In explaining the lack of total success of these endeavors, the author is too prone to rely upon extenuating circumstances such as a rising price level and economic depression. As Professor Slichter points out, however, such cooperation is still in an experimental state. Some employers jealously protect their traditional prerogatives “in keeping unions in their place.” Some unions fail to appreciate the relationship between costs and employment, or, when the union does recognize this relationship, individual union members sometimes resist cooperation because of its effect upon their particular jobs. Perhaps the author holds too much hope for union-management cooperation. He certainly fails to face squarely the question as to how the benefits derived from such cooperation are going to be distributed. Nevertheless, his discussion is provocative and his proposals may well become productive of some workable “industrial jurisprudence.”

JOHN R. STOCKHAM.†

† Class of 1942.